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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JOHNNY R. THOMAS,
ROBERT C. POTTS,
JONATHAN BRETT WOODARD, and
JOHN C. FRANCIS,

Defendants.

Case No. 2:19-cv-1132-JCM-EJY

**STIPULATION AND
~~[PROPOSED]~~ ORDER
ESTABLISHING NEW
DEADLINES FOR
COMPLIANCE WITH
MAGISTRATE’S ORDER
(DKT. 64)**

Plaintiff Securities and Exchange Commission (“SEC”) and Defendants Johnny R. Thomas (“Thomas”) and John C. Francis (“Francis”) (collectively, “Defendants”), hereby stipulate and agree as follows:

1. On December 7, 2020, Magistrate Judge Youchah entered an order compelling the SEC to disclose the “fact” portions of certain SEC investigative attorney interview notes, following an in camera review of those notes. The Court proposed redactions to the notes and ordered the SEC either to move to make changes to the Court’s proposed redactions or to serve Defendants with the Court’s redactions and a privilege log within 30 court days. The Court also set a schedule for Defendants to challenge the redactions. (Dkt. No 64.)

2. On December 21, 2020, ten court days after entry of the December 7 Order, the SEC filed Objections to December 7 Order (“Objections”). (Dkt. No. 65.)

1 3. On December 28, 2020, the Court entered a stipulated order holding in abeyance all
2 the deadlines established by the December 7 Order pending a ruling on the SEC's Objections by Judge
3 Mahan. (Dkt. No. 67.)

4 4. On February 5, 2021, Judge Mahan issued an order overruling the SEC's Objections.
5 (Dkt. No. 75.)

6 5. The SEC and Defendants have discussed new deadlines for compliance with the
7 December 7 Order and hereby stipulate and agree to the following schedule, which retains the original
8 timelines, but is adjusted to run from February 5, 2021:

9 6. If the SEC accepts the Court's proposed redactions:

- 10 a. The SEC shall produce to Defendants the redacted notes, together with a
11 privilege log, on or before March 8, 2021, which is twenty (20) court days
12 after entry of Judge Mahan's February 5 ruling.
- 13 b. Defendants will have thirty (30) court days from receipt of the SEC's redacted
14 notes and privilege log, to file a motion challenging the redactions.
- 15 c. The SEC shall have fourteen (14) days from the date of service of any
16 challenge filed by Defendants, to file an opposition.
- 17 d. The Defendants shall have seven (7) days from the date of service of the SEC's
18 opposition, to file a reply.

19 7. If the SEC seeks changes to the Court's proposed redactions:

- 20 a. The SEC shall file a motion under seal on or before March 8, 2021 that shall
21 clearly identify all requested changes and the basis for the same, a redacted
22 copy of which shall be served on Defendants, along with a privilege log.
- 23 b. The Defendants shall have fourteen (14) days from the date of service of the
24 SEC's motion, to file an opposition.
- 25 c. The SEC shall have seven (7) days from the date of service of Defendant's
26 opposition, to file a reply.

1 **IT IS SO STIPULATED:**

2 Dated: February 19, 2021

3 Respectfully submitted,

4 /s/ Devon Leppink Staren

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27 *Attorneys for Defendants Thomas and Francis*

28 **IT IS SO ORDERED:**

29 
30 ELAYNA J. YOUCHAK
31 UNITED STATES MAGISTRATE JUDGE

32 DATED: Feb. 22, 2021